

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA, GA.

RICHARD GARDNER,

Plaintiff,

v.

LT. SIKES, Telfair State Prison; and
HAYS TACTICAL SQUAD ON DUTY,

Defendants.

CV 322-166

2023 APR 19 A 11:23

CLERK
SOUTHERN DISTRICT OF GEORGIA

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. The Court has been informed the Report and Recommendation and accompanying Order have been returned to the Clerk of Court as undeliverable, with a notation indicating Plaintiff is no longer incarcerated at Johnson State Prison. (See doc. no. 11.) The Court warned Plaintiff to inform the Court of any change of address in its October 28, 2022 Order, and his failure to do so evidences a failure to prosecute. (Doc. no. 3, p. 4); see *Gilbert v. Daniels*, 725 F. App'x 789, 792-93 (11th Cir. 2018) (*per curiam*). Regardless, his complaint is due to be dismissed on the merits for failure to state a claim.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint for failure to state a claim upon which relief may be granted, and **CLOSES** this civil action.

SO ORDERED this 19th day of April, 2023, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE